

Before the
Federal Communications Commission
Washington, DC 20554

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In the matter of

FCC MAIL ROOM

Amendments to the amateur service)	
rules including amendments for)	WT Docket No. 95-57
examination credit, eligibility for)	
a club station license, recognition)	RM-8301
of the volunteer examiner session)	RM-8418
manager, a special event call sign)	RM-8462
system, and self-assigned indicator)	
in the station identification.)	

To. The Commission

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COMMENTS OF FREDERICK O. MAIA, W5YI
President, W5YI-VEC, Inc., and W5YI Group, Inc.

Frederick O. Maia, W5YI, submits the following comments in this proceeding. Mr. Maia is an Amateur Extra Class Amateur Radio Operator, first licensed nearly forty years ago. Besides his interest in Amateur Radio as a hobby, Mr. Maia is committed to serving the Amateur Service through several related activities.

Mr. Maia's newsletter, The W5YI Report, was begun in 1978, and is America's oldest Amateur Radio newsletter. He also serves on the editorial staff of CQ Magazine and is a paid professional writer on the subject of amateur and commercial radio telecommunications.

The non-profit W5YI-VEC, Inc., was appointed a Volunteer-Examiner Coordinator (VEC) by the Federal Communications Commission in 1984. The 19,000 accredited examiners in his organization are formed into approximately 1,000 VE teams and have administered tens of thousands of Amateur Service license examinations over the past eleven years. The examination results are electronically transmitted to the FCC's licensing facility in Gettysburg, PA.

In addition, The W5YI Group, Inc., distributes training materials to applicants for amateur radio examinations. Mr. Maia's full time efforts are thus totally directed towards Amateur and commercial radio education and examinations.

He has daily contact with applicants for Amateur Service licenses, mainstream Amateur licensees and the FCC. Mr. Maia is thus well qualified to speak out on matters that impact the Amateur Service.

On April 25, 1995, the Commission adopted a Notice of Proposed Rulemaking which addressed five different issues.

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1. DESIGNATION OF VE SESSION MANAGER

In RM-8301, the National Conference of Volunteer-Examiner Coordinators¹ petitioned the Commission to recognize in the rules the existence of an on-site manager at amateur service examination sessions. This VE Session Manager would be responsible for organizing and supervising the activities of the Volunteer Examiners, record keeping and maintaining the integrity of the examination process.

The W5YI-VEC, Inc., concurs with this proposal. Many of the VE sessions that we coordinate are for large test sessions where more than three examiners are utilized. It is often necessary to divide these VE's into teams who often conduct their testing in different rooms

Most applicants are administered more than one examination². An applicant could be administered a telegraphy examination in one location and a written examination in another. Although both locations are staffed with the required three examiners³, it is not possible for every VE who administers an examination to certify the FCC Form 610 since there are only three lines provided. There are also instances at large test sessions when the administering VE's who grade the examinations and certify the FCC Form 610 are not the same VE's who administered the examination.

Thus the three administering VE's who certify the application are sometimes not the three examiners who conducted the examinations. Current policy, however, holds the administering VE's who certify the application equally responsible for the proper conduct and necessary supervision of each examination.⁴

Since the administering VE's of every VEC organization are chosen and directed by a team leader, it is appropriate that this individual be designated as the responsible VE Session Manager.

We suggest that the following changes be made in the

¹ The NCVEC is an organization consisting of representatives of the various Volunteer-Examiner Coordinators who have entered into an agreement with the Federal Communications Commission to provide Amateur Service license examinations.

² The 1994 Volunteer-Examiner Coordinator Report prepared by the FCC shows that an average of 1.8 examination elements are administered to every applicant. Most amateur service license classes require successful completion of both written and telegraphy examinations.

³ See Section §97.509(a) Administering VE requirements

⁴ See Section 3.13.2.2, Instructions for Volunteer-Examiner Coordinators.

proposed rules.

(1) Change Section §97.515(b) to read:

- (b) Before each examination session, the VE session manager must insure that a public announcement is made stating the location, date and time of the session. The number of examinees may be limited.

Rationale: The VE Session Manager may wish to delegate the public announcement requirement to another individual. The "date" of the examination session should also be publicly announced.

(2) Change Section §97.515(d) to read:

- (d) The VE session manager must maintain a log for the session. The log must include the names of the examinees and the names of the administering VEs. The examination session records must indicate the examination elements administered by each VE.

Rationale: The W5YI-VEC utilizes a Manifest of Applicants which contains the test session results but not which examination elements were administered by each VE. The submitted answer sheets contain this information.⁵

(3) Amend the FCC Form 610 application to contain only one VE Session Manager signature line rather than the current three administering VE's.

Rationale: The second and third VE names and signature may not be the volunteer examiners who administered all of the examinations covered by the application.

2. EXAMINATION CREDIT

The Commission action on RM-8418 is somewhat confusing. The American Radio Relay League originally⁶ requested the Commission to take two actions:

- (1.) Permit all previous amateur service licensees to be relicensed without examination, and;
- (2.) All future amateur service operator (but not station) licenses would carry a lifetime term.

The ARRL indicated that the purpose of reactivating an expired license was to facilitate re-entry of previous licensees into the Amateur Service after a lengthy period of inactivity. The benefit would be that a former license holder with newly awakened interest in the hobby would be not have to

⁵ Section 3.12.1, Instructions for Volunteer-Examiner Coordinators, requires that "...administering VE's shall submit the application forms and all test papers for successful candidates to the coordinating VEC within 10 calendar days of administering the examination."

⁶ ARRL Petition for Rulemaking, filed January 6, 1994.

appear before Volunteer Examiners for retesting.

The ARRL proposal provided for the filing of an FCC Form 610 application with the Commission together with evidence of the existence of a previous operator license. After reviewing the proof, the Commission would then issue an operator license equal to the expired license class providing there were no adverse enforcement proceedings against the applicant's record. A new station call sign would be assigned after the two year grace period.

The ARRL also asked that the license term of all current operators be extended to the life of the operator and all future operator licenses should carry a lifetime term. The wording ARRL requested that Section §97.23(a) should be amended to read:

"§97.23 License term

(a) An amateur service station license is normally issued for a ten-year period. An amateur operator license is normally valid for the lifetime of the licensee. Any operator license issued and outstanding on or after [date to be determined by FCC] or which expired not more than two years prior to that date, shall be considered valid for the lifetime of the licensee, unless suspended or revoked, or specifically issued for a shorter term by the commission."

This handling appears to be legal under current regulations which establishes station license terms by law. but not the operator license terms. It should be noted that the current commercial radio General Radiotelephone Operator License (GROL) is already issued by the FCC for life.

In the NPRM in Docket No. WT 95-57, however, the Commission takes a substantially different approach than requested by ARRL. It proposes that the FCC Form 610 application of previously licensed amateurs be routed through the VEC System to obtain credit for any examination required for the class of their expired license. The Commission did not separate the amateur operator from the station license, nor did they provide for a lifetime operator license as requested by ARRL.

The end result is basically the same, however. By proposing reactivation of expired licenses, the FCC has provided a method:

- (1.) whereby previous licensees may regain their operator privileges without further examination, and;
- (2.) since any amateur operator license can be indefinitely reactivated, in effect it never expires and is a lifetime license.

We assume that the FCC took this path of action since it is the most expedient and least expensive way to implement the ARRL proposal. Not covered, however, is the issue of expense reimbursement. Section §97.527(a) of the rules allows the VEC System to be reimbursed "...for out-of-pocket expenses incurred in preparing, processing, administering or coordinating an examination for an amateur operator license." Although no examinations will be administered, a Form 610 application will indeed be processed and we thus assume that expense reimbursement is authorized.

While the NPRM does provide the end result requested by the American Radio Relay League, we question whether the ARRL request is in the best interest of the Amateur Service.

The newly proposed Section §97.505(a)(10) states that examination credit may be given to any previously licensed amateur who submits "An expired FCC-issued amateur operator license..." No other evidence of having held a previous amateur operator license may be submitted to the VE team.

The W5YI Group mails approximately 5,000 license expiration reminders a month to amateur's whose license is scheduled to expire within 90 days. Our experience is that a great many current licensees cannot locate their license and they attach a note asking the FCC to renew their license without the required attached copy.

We believe even a greater number of ex-amateur operators will not be able to locate or submit a copy of their expired license to the VE team in order to obtain examination credit and restoration of their operator license.

Other than a license copy, there is no accurate way for VE's, the VEC nor the FCC to determine if the applicant was indeed licensed at some point in his/her past ...and at what class. The FCC database does not contain information on previous license holders whose license has expired after the two year grace period.

The new rules do not provide for alternative ways by which VE teams may identify previous periods of amateur service. Such methods might be references in the Radio Amateur Callbook, the existence of 2-way QSL confirmation cards or affidavits from other licensed amateurs who could attest to the licensed operation. If the Commission adopts this NPRM, then the VEC System should be permitted to use any reasonable method at their disposal to identify previous amateur service license holders and their license class.

The W5YI Group does not believe that allowing previous license holders who have been away from the hobby for long periods of time (more than two years) should re-enter the Amateur Service without examination. While it is true that existing amateurs may indefinitely renew their operator license without demonstrating further knowledge, we believe

that previously licensed amateurs who have let their license lapse for long periods of time need to re-familiarize themselves with the service.

An amateur who is currently licensed almost always has better regulatory, operational and technical knowledge than one whose license lapsed many years (or decades) ago. Amateurs who have been away from the hobby for long periods of time will find that the amateur service and its regulations have changed drastically. Telecommunications technology with its necessary new regulations are constantly emerging.

Previous amateurs with long term expired licenses should undergo some sort of training or refresher course to reacquaint themselves with the hobby. The current Part 97 rules already provide for relicensing without examination within a two year grace period after license expiration.

The VEC's Question Pool Committee, of which the undersigned is a member, constantly updates the examination syllabus to reflect current amateur operations and technology. The purpose of license examinations is to indicate minimal qualifications. There should be a way to determine if a previous licensee still possesses the minimum required knowledge needed to access amateur frequencies. That knowledge is best demonstrated by passing the required examination elements.

We believe that it is absurd to assign ten year term limits and then permit applicants who have been away from the hobby for what could be decades to reactivate expired licenses without demonstrated proficiency. The purpose of amateur service examinations is to insure that the applicant is reasonably qualified in amateur operations, equipment, technology and regulations.

One of the amateur service's primary purposes is advancing skills in both the communication and technical phases of the radio art through self-training. To exempt persons who have let their licenses expire many years ago from updating their knowledge is contrary to this principle.

Certificates of Successful Completion of Examination (CSCE) and Physician's Certification of Disability carry 365 day periods of examination credit. This examination credit term motivates the examinee to pass the remainder of the needed examination elements as quickly as possible in order to obtain a license.

It follows, however, that if expired operator licenses can be indefinitely reactivated then other forms of examination credit deserve similar handling. We do not believe that CSCE's nor Physician's Disability Certifications should be subject to reactivation after the 365 day period.

Allowing expired amateur service licenses to be

reactivated at any time could adversely impact other FCC-licensed service and U.S. government agencies that issue licenses based on qualifications. Applicants similarly situated will expect similar handling based on the amateur service precedent.

The bottom line is that examination credit for applicants with long-term expired licenses is not responsive to the needs of the public, nor the radio services administered by the Commission.

3. ELIGIBILITY FOR A CLUB STATION LICENSE

The ARRL is concerned that two amateurs may obtain additional station call signs by posing as a club. The League believes that by requiring a minimum of four members, station call sign abuse could be minimized.

It appears that increasing the number of members required to form an amateur service club from two to four does not in itself mean that the members constitute a bona fide amateur radio organization.

We are aware of one family living at the same address in southern California that apparently have formed several clubs for the express purpose of obtaining amateur station call signs. The Tucker family (AE6ET, AA6TK, N6TK and AA6KT) have already applied for and have received a couple of dozen different call signs for various named clubs.

Another abuse not mentioned in the ARRL petition (RM-8462) is that a single club may apply for as many station call signs as they wish. There is apparently no limit specified in the rules on how many station call signs a club may have.

We suggest that the FCC tighten up its club call sign rules by requiring that:

- (1.) An amateur radio club may apply for only one club call sign, and;
- (2.) An amateur may be the club station trustee of only one amateur radio club.

4. SPECIAL EVENT VANITY CALL SIGN SYSTEM

The FCC set aside the so-called one-by-one amateur station call signs⁷ for use by amateurs operating a station to commemorate an event of special significance. The short one-by-one format call signs have never been issued to the amateur community by the Commission.

⁷ A one-by-one amateur station call sign consists of one prefix letter, (K, N or W), one radio district numeral (0 through 9) followed by one suffix letter (A through Z). An example is K1A.

The assigning of special call signs for temporary amateur station operation is a very commonplace occurrence by many countries of the world. The FCC discontinued the practice of issuing special event call signs in the 1970's due to dwindling staff resources. The amateur community has long wanted special event call sign availability resumed.

We question, however, whether the Commission should take on this added activity for the amateur community. The shrinking FCC budget could better be used elsewhere. Current government policy is to shift costs to those who benefit most from them rather than being borne by all taxpayers.

We believe a better solution would be to turn the special event call sign project over to the VECs. The assigning of one-by-one call signs, while not really an examination activity, is certainly related to the processing of applications without examination. It is thus not that much different from the administrative procedure the Commission suggests for the VEC System in RM-8418.

The current expense reimbursement maximum could be collected by the VECs for this activity and the much needed funding could be used to defray VEC expenses. The VECs are excellent database managers and the rotation of a relatively few one-by-one call signs could easily be handled. The VECs already have the personnel and equipment in place to begin processing special event call signs at once.

We believe that the suggested 120 day (6 month) lead time suggested in proposed Section §97.19(e) is excessive. The VEC System should be able to easily process and issue these special event call signs within 30 or, at the most, 60 days of a planned operation.

5. SELF-ASSIGNED STATION CALL SIGN INDICATORS

The W5YI-VEC sees no reason why self-assigned indicators should not be used before, after or before and after the station call sign identification as proposed in the Notice.

A related issue, however, concerns the use of temporary indicators when applicants are exercising the frequency privileges authorized by Section § 97.9(b). This section provides that amateurs may immediately begin using their new frequency privileges once they hold a CSCE indicating completion of the necessary examinations necessary to upgrade.

Section § 97.9(b) provides for on-the-air use of the following temporary call sign indicators while a successful examinee awaits grant of his/her upgraded license:

Novice Class upgrading to Technician Class:	KT
Amateurs upgrading to the General Class:	AG
Amateurs upgrading to the Advanced Class:	AA
Amateurs upgrading to the Amateur Extra Class:	AE

Note that there is no indicator allocated to examinees upgrading to the Technician Plus Class. The reason for this is that until fairly recently, Tech Plus was not considered a full license class. Now that Technician Plus licenses are being issued, we suggest that an identifying indicator such as KC (C=Code), KP (P=Plus) or KM (Morse) be added to the list of temporary indicators.

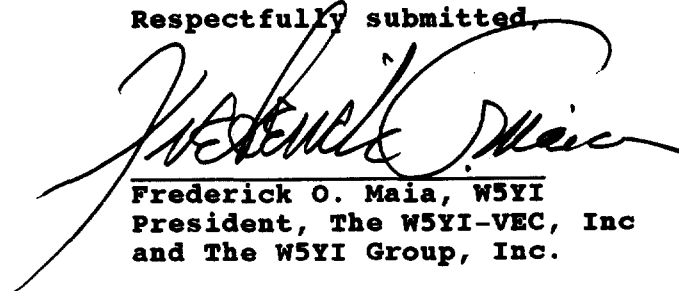
This would make the temporary operating procedures more consistent with existing policy. It would be particularly useful on the amateur ten meter band where voice operation is authorized between 28.3 and 28.5 MHz to No-Code Technicians who upgrade to Tech Plus by passing a telegraphy examination.

Conclusion:

Accordingly, for the reasons stated above, Mr. Maia believes the Commission should:

- (1.) Adopt the designation of the VE Session Manager, but with the suggested revised wording;
- (2.) Not adopt the proposal which seeks to reactivate long term expired amateur service licenses;
- (3.) Close the loopholes which permit abuses in obtain in station call signs for club stations;
- (4.) Permit the VEC System to assume the administration of the Special Event Call Sign System, and;
- (5.) Adopt self-assigned call sign indicators as proposed and add an additional temporary indicator for the Technician Plus Class.

Respectfully submitted,



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